

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF  
SOCIAL SERVICES, *et al.*,

Defendants.

**Case No. 2:20-cv-00014-JPJ-PMS**

**Declaration of Counsel**

NOW COMES Matthew D. Hardin, Counsel for Defendant Joshua Moon, and states as follows:

1. I represent Joshua Moon in the above-captioned matter.
2. Attached as Exhibit A is a true and correct copy of a receipt for certified copies of Ms. Scott's state court filings against Mr. Moon. Attached as Exhibit B are true and correct copies of my firm's checks to the Wise County Circuit Court in payment of the relevant fees.
3. In total, my firm has expended \$32.50 in costs obtaining certified copies of ancillary *Scott v. Moon* matters in the Virginia state courts. Certified copies of the full state court file in *Scott v. Moon* (Wise Co. GDC Case No. GV17000529, Wise Co. Circuit Court Case No. CL17-827) are attached hereto as Exhibit C. The records are self-authenticating and speak for themselves. Obtaining such records was vital to Mr. Moon's defense.
4. I expect to incur a similar amount of costs obtaining the recently-discovered Buchanan County records.



5. Mr. Moon has not yet been invoiced for the costs of obtaining certified copies, but he will be on or about November 1, 2021 (my firm sends its invoices at the beginning of each calendar month).
6. I have not tracked postal costs in this matter or Pacer fees due to my belief that the costs of tracking such expenses and making arguments relating to their compensability is uneconomic.
7. I have waived approximately half to two-thirds of my hourly billings in this matter due to my sympathy for my client, who is in the unenviable position of retaining counsel to defend claims that have been adjudicated repeatedly since 2017. I have not billed for any conferences or correspondence with my client, for example, or for correspondence with Ms. Scott. I have attempted to limit my billings only to hours spent filing documents with the Court.
8. Attached as collective Exhibit D are true and correct copies of various items of correspondence which Ms. Scott has sent to me or which I have sent to Ms. Scott.
9. Ms. Scott has repeatedly threatened me with bar complaints and sanctions in this matter. During one particularly memorable 24 hour period spanning September 16 and 17, 2021, she threatened me with bar complaints in four separate emails (one of which was a duplicate of an earlier email). I cannot speculate as to whether the Plaintiff intends her threats to influence or obstruct me in my duty to zealously represent my client, or whether her threats are mere expressive tantrums. Litigating against Ms. Scott, I have come to expect threats and vitriol with every filing and in every item of correspondence. If I had billed my client for the time I spent dealing with Ms. Scott's inappropriate behavior, his costs would have doubled or tripled.



10. I have litigated in Virginia since 2014, and spent two of those years as an elected prosecutor. I have interacted with individuals who have been brought into the legal system for unpleasant reasons and who have expressed great displeasure at my zealous representation of my clients. Although some litigators may have more experience than I do, I can nevertheless state that in my seven years of practice (including hotly-contested civil and criminal matters, several of which involved *pro se* litigants), I have never been subjected to behavior even remotely approaching the level of rancor demonstrated by Ms. Scott in this matter.

11. Further I say nothing.

I declare that the foregoing is true to the best of my knowledge and belief and under penalty of perjury within the meaning of Va. Code §8.01-4.2 and 28 U.S.C. §1746.

Dated: Oct. 13, 2021

/s/ Matthew D. Hardin  
Matthew D. Hardin  
*Counsel to Joshua Moon*



Receipt : 21000006664

COURT ADDRESS:  
P.O. BOX 1248  
WISE, VA 24293  
PHONE #: 276-328-6111



OFFICIAL RECEIPT  
WISE COUNTY CIRCUIT  
MISCELLANEOUS

DATE : 09/17/2021 TIME : 13:49:48  
RECEIPT # : 21000006664 TRANSACTION # : 21091700015  
CASHIER : SLR REGISTER # : F256  
ACCOUNT OF : THE LAW OFFICE OF MATTHEW HARDIN, PLLC  
RECEIVED OF : THE LAW OFFICE OF MATTHEW HARDIN, PLLC  
CHECK : \$9.50 CHECK NUMBER : 138  
DESCRIPTION 1 : SCOTT VS MOON

CASE # : 195CGM210000830

FILING TYPE : OTH

TYPE : FULL PAYMENT

CHECK : \$23.00 CHECK NUMBER : 140

ACCOUNT CODE	DESCRIPTION	PAID
236	DOCUMENT REPRODUCTION COSTS	\$9.50
315	MISCELLANEOUS FEES & COMMISSIONS	\$0.00
415	SECURED REMOTE ACCESS	\$0.00

ACCOUNT CODE	DESCRIPTION	PAID
422	RESEARCH FEE	\$23.00

TENDERED : \$ 32.50  
AMOUNT PAID : \$ 32.50

EXHIBIT

A

PAYOR'S COPY

CLERK OF COURT : J. JACK KENNEDY, JR.

RECEIPT COPY 1 OF 2



10/13/2021

The Law Office of Matthew Hardin, PLLC  
d/b/a Hardin Law Office  
1725 I St NW Ste 300  
Washington, DC 20006

DATE Sept. 13, 2021 140 68-422/514

PAY TO THE ORDER OF Wise Co. Circuit Court \$ 23<sup>00</sup>

Twenty three dollars and zero cents DOLLARS

Truist Bank  
1909 K ST NW  
Washington DC 20006-1152  
Operating Account

FOR Scott v. Moon fee Matthew Hardin

⑈000140⑈ ⑈051404260⑈ ⑈1470002993953⑈

>051404464< 20210920  
The First Bank & Trust Co.  
Drawer#/Trans#: 00103/0054  
BIN: 793309020000174

103 54 09/20/21

For Deposit Only  
Clerk of the Circuit Court



<b>The Law Office of Matthew Hardin, PLLC</b> d/b/a Hardin Law Office 1725 I St NW Ste 300 Washington, DC 20006		138 66-426/914
DATE <u>Sept. 8, 2021</u>		
PAY TO THE ORDER OF <u>Wise Co. Circuit Court</u>	\$ <u>950</u>	
<u>Nine Dollars and Fifty Cents</u>		
Trust Bank 1909 K ST NW Washington DC 20006-1152		Operating Account DOLLARS
FOR <u>Certified Copies</u>	<u>Matthew Hardin</u>	
⑈000138⑈ ⑆051404260⑆ ⑆1470002993953⑈		

>051404464< 20210920 The First Bank & Trust Co. Drawer#/Trans#: 00103/0054 HIN: 793309020000173	103 54 09/20/21	For Deposit Only Clerk of the Circuit Court
--	-----------------	--

1/2

10/13/2021

2/2



# NOTICE OF APPEAL - CIVIL

Commonwealth of Virginia VA. CODE §§ 16.1-106, 16.1-106.1, 16.1-107, 16.1-113, 16.1-298

WISE GEN DIST - CIVIL  
CITY OR COUNTY  
[X] General District Court  
[ ] Juvenile and Domestic Relations District Court

06/22/2017  
DATE OF FINAL ORDER

I, the undersigned, ~~notice~~ my appeal of the judgment of this court to the circuit court of this city or county.

My appeal is scheduled to be called for [X] trial [X] setting of trial date on

8/17/17 9 AM in the circuit court, which is located at

DATE AND TIME OF APPEARANCE

206 EAST MAIN STREET, WISE, VA 24293 276-328-6111  
STREET ADDRESS OF CIRCUIT COURT TELEPHONE NUMBER

[X] I understand that I must contact the circuit court clerk's office for instructions for setting the trial date.  
I understand that within 30 days, or within 10 days in an unlawful detainer case (except within 30 days in an unlawful detainer case against an indigent former owner based upon a foreclosure), of the entry of judgment, I must deliver to the Clerk of this Court:

1. \$ 128.00 for circuit court writ tax, costs, and fees for service of process, if applicable.
2. (a) \$ NONE appeal bond with sufficient surety approved by the Judge or Clerk of this Court, cash deposit, bank check, or by draft from the escrow account of my attorney. The appeal bond must be written to indemnify the party in whose favor a judgment was rendered in this Court in the event that such party is awarded a judgment on appeal in circuit court.  
or  
(b) A written irrevocable confirmation of liability insurance coverage in an amount sufficient to satisfy the judgment from my insurer.  
or  
(c) An order by the court finding that I am indigent for the purpose of appeal pursuant to Virginia Code § 16.1-107.

I also understand that I must pay the writ tax and costs if applicable and post the appeal bond within the applicable time period of the entry of judgment for the appeal in my case to be complete ("perfected"), and that my failure to do so within the applicable time period will result in the loss of my appeal rights. I further understand that the order or judgment which I am appealing remains in full force and effect if it involves a protective order, continuing programs pursuant to Virginia Code § 16.1-289.1 or other proceedings specified by law, until changed or annulled by the circuit court.

06/22/2017  
DATE APPEAL NOTED

APPELLANT *[Signature]* by ATTORNEY FOR APPELLANT  
[ ] PLAINTIFF/PETITIONER [ ] DEFENDANT/RESPONDENT

NOTICE: Promptly communicate with the clerk of the circuit court of this jurisdiction concerning the subpoenaing of witnesses and, in an appeal of a final civil judgment, any need for interpreters, and if you wish to request a jury trial. Failure to appear in the circuit court at the designated date and time may result in the dismissal of your appeal.

WITHDRAWAL OF APPEAL: If this appeal is withdrawn within ten (10) days after entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, or before being "perfected" by posting required appeal bond or paying required costs, no additional costs will be taxed against you. After ten (10) days or after the appeal is "perfected" by posting the required appeal bond or paying required costs, in accordance with § 16.1-106.1, any withdrawal of the appeal must occur in Circuit Court. Upon withdrawal of the appeal in Circuit Court, additional costs will be incurred and any cash bond posted to perfect the appeal may be disbursed.

411-821

CASE NO. GV17000529-00

## NOTICE OF APPEAL

SCOTT, MELINDA  
PLAINTIFF/PETITIONER NAME (LAST, FIRST, MIDDLE)

v.

MOON, JOSHUA  
DEFENDANT/RESPONDENT NAME (LAST, FIRST, MIDDLE)

JUDGMENT DATE:

06/22/2017

PLAINTIFF'S/PETITIONER'S ATTORNEY  
[ ] Same as on Attached

DEFENDANT'S/RESPONDENT'S ATTORNEY  
[ ] Same as on Attached

VOID IF ALTERED OR DOES NOT BEAR IMPRESSED SEAL OF COURT  
Clerk of Court or Deputy  
J. Jack Kennedy, Jr., Clerk  
Official Court Seal of the Commonwealth of Virginia  
This is to certify that this is a true and correct reproduction or abstract of the Court for the County of Wise and the City of Norton

WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

APPELLANT

ATTORNEY FOR APPELLANT

C



**PETITION FOR PROCEEDING IN CIVIL CASE  
WITHOUT PAYMENT OF FEES OR COSTS**  
COMMONWEALTH OF VIRGINIA

Case No. \_\_\_\_\_

Wise County

☒ General District Court  
☐ Juvenile & Domestic Relations District Court  
☐ Circuit Court

Scott, Melinda

v.

Moon, Joshua

The undersigned petitioner(s) request the court to permit the petitioner(s) to sue or defend a civil case in this court without the payment of fees or costs and to have from all officers all needful services and process. In support of the petition, the petitioner(s) state that the following information is true:

1. The undersigned petitioner(s) are Virginia resident(s).
2. The following financial information applies to the petitioner(s):

a. Receiving public assistance ☐ No ☐ Yes-See items checked below  
☒ Medicaid ☒ Supplemental security income ☐ TANF ☒ Food stamps

b. Take-home pay \$ 950 per ☐ week ☐ every second week  
☐ twice a month ☒ month

c. Other income, if any (specify sources and amounts):

n/a I currently stay home to care for my disabled son  
 (self-employed)

d. Assets Cash on hand \$ 24 Bank accounts \$ 40

3. Other information

a. The number of people for whom the petitioner(s) provide support is: 4

b. The number of persons residing with the petitioner(s) is: 4

c. Complete if applicable:

In custody at n/a

**ACKNOWLEDGEMENT**

I understand that the court cannot provide me with legal advice, and that it may be advisable to get advice from a lawyer.

4/3/17  
 DATE

Melinda L. Scott  
 SIGNATURE - PETITIONER

MELINDA L. SCOTT  
 SIGNATURE - PETITIONER

\* I participate in Virginia's ACP. I have an active Protective Order in Wise County. I use my ACP address on my pleadings. Please keep my residential address confidential.

NAMES OF PETITIONERS

**ORDER**

☒ The petition is granted. Keels Seem per Va Code

☐ The petition is denied.

4-6-17  
 DATE

[Signature]  
 JUDGE



**AFFIDAVIT FOR SERVICE OF PROCESS ON THE  
SECRETARY OF THE COMMONWEALTH**

Case No. ....

Commonwealth of Virginia Va. Code §§ 8.01-301, -329; 55-218.1; 57-51

General District of Wise County  
Melinda Scott

District Court

v.

Joshua Moon

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: [ ] Warrant [ ] Motion for Judgment [x] Complaint

I, the undersigned Affiant, state under oath that:

[x] the above-named defendant [ ] Joshua Moon

whose last known address is: [ ] same as above [x] 3750 Don Janeal Rd.  
Pensacola, FL 32526

1. [x] is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) 3 applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
2. [ ] is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT on reverse) and that

5-25-17

is the return date on the attached warrant, motion for judgment or notice (see TIMELY SERVICE REQUIREMENT on reverse).

4/10/17  
DATE

[x] PARTY [ ] PARTY'S ATTORNEY [ ] PARTY'S AGENT

State of Virginia [ ] City [ ] County of Wise

Acknowledged, subscribed and sworn to before me this 10th day of April, 2017

NOTARY REGISTRATION NUMBER

[x] CLERK [ ] MAGISTRATE [ ] NOTARY PUBLIC (My commission expires .....

[ ] Verification by the clerk of the court of the date of filing of the certificate of compliance requested. A self-addressed stamped envelope was provided to the clerk at the time of filing of this Affidavit.

**NOTICE TO THE RECIPIENT from the Office of the Executive Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On ....., legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On ....., papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE  
SECRETARY OF THE COMMONWEALTH



**AFFIDAVIT FOR SERVICE OF PROCESS ON THE  
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia Va. Code §§ 8.01-301, -329; 55-218.1; 57-51

Case No. V17-529

Wise County General District

District Court

Melinda Scott

v.

Joshua Moon

2014PMB87-PO BOX 1133

3750 Don Janeal Rd.

Richmond, Virginia 23218

Pensacola, FL 32526

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☐ Warrant ☐ Motion for Judgment ☒ Complaint

I, the undersigned Affiant, state under oath that:

☒ the above-named defendant ☐ Joshua Moonwhose last known address is: ☒ same as above ☐

1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT on reverse) and that

6-22-17

is the return date on the attached warrant, motion for judgment or notice (see TIMELY SERVICE REQUIREMENT on reverse).

5/25/17  
DATE☒ PARTY☐ PARTY'S ATTORNEY☐ PARTY'S AGENTState of Virginia☐ City ☒ County ofWiseAcknowledged, subscribed and sworn to before me this 25 day of May, 20 17

NOTARY REGISTRATION NUMBER

☒ CLERK ☐ MAGISTRATE ☐ NOTARY PUBLIC (My commission expires .....☐ Verification by the clerk of the court of the date of filing of the certificate of compliance requested. A self-addressed stamped envelope was provided to the clerk at the time of filing of this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Executive Secretary of the Commonwealth of Virginia:**

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1. On ....., legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On ....., papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE  
SECRETARY OF THE COMMONWEALTH



**AFFIDAVIT FOR SERVICE OF PROCESS ON THE  
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia Va. Code §§ 8.01-301, -329; 55-218.1; 57-51

Case No. V17-529

Wise County General District

District Court

Melinda Scott

v.

Joshua Moon

2014PMB87-PO BOX 1133

3750 Don Janeal Rd.

Richmond, Virginia 23218

Pensacola, FL 32526

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☐ Warrant ☐ Motion for Judgment ☒ Complaint

I, the undersigned Affiant, state under oath that:

☒ the above-named defendant ☐ Joshua Moonwhose last known address is: ☒ same as above ☐

1. ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT on reverse) and that

6-22-17

is the return date on the attached warrant, motion for judgment or notice (see TIMELY SERVICE REQUIREMENT on reverse).

5/25/17  
DATE☒ PARTY☐ PARTY'S ATTORNEY☐ PARTY'S AGENTState of Virginia ☐ City Wise County of WiseAcknowledged, subscribed and sworn to before me this 25 day of May, 20 17

NOTARY REGISTRATION NUMBER

☒ CLERK ☐ MAGISTRATE ☐ NOTARY PUBLIC (My commission expires .....☐ Verification by the clerk of the court of the date of filing of the certificate of compliance requested. A self-addressed stamped envelope was provided to the clerk at the time of filing of this Affidavit.**NOTICE TO THE RECIPIENT from the Office of the Executive Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On JUN 02 2017, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On JUN 06 2017, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE  
SECRETARY OF THE COMMONWEALTH



**VIRGINIA:**

**IN THE GENERAL DISTRICT COURT OF THE 30<sup>th</sup> JUDICIAL CIRCUIT**

**Melinda Scott** )

**Plaintiff** )

**V** )

**Joshua Moon** )

**Defendant** )

CL. No. V17-529

**Complaint**

**COMES NOW**, The Plaintiff in accordance with Virginia Code § 8.01-40, § 18.2-152.7:1 § 18.2-152.5, § 18.2-186.3 and §61-3C-14a and States under Oath:

The Plaintiff is a resident of Wise County, Virginia but participates in the Virginia ACP address program which is listed on this Pleading.

In violation of § 18.2-152.7:1 The Defendant has used the Computer to harass and intimidate the Plaintiff. Defendant has encouraged the Internet publication and distribution of her home address. The Defendant has used email to insult the Plaintiff with vulgar and obscene language. The Defendant has used email and the Computer to threaten to commit an immoral act against the Plaintiff and encourage Staking of the Plaintiff.

The Defendant has violated § 18.2-152.5 and § 18.2-186.3 by using a computer to distribute identifying information about the Plaintiff on an Internet Blog.

The Defendant has violated § 8.01-40 by using and distributing the Plaintiff's name for the purpose of trade.

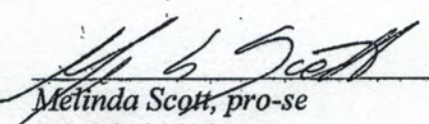
The Defendant has violated §61-3C-14a by:

1. Causing obscene material which lacks literary, artistic, political or scientific value to be delivered and transmitted to others after being told to cease and desist
2. has knowingly permitted a computer under his or her control to be used to violate §61-3C-14a

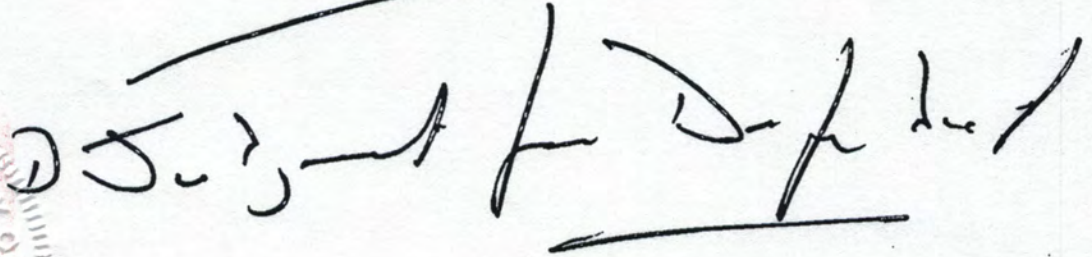


Plaintiff requests an Order ordering the Defendant to remove all internet content using her name, her business, her marital relations, and her locality on any Blog or Internet page permanently. Plaintiff asks for damages in the amount of \$15,000.

I ASK FOR THIS:

  
Melinda Scott, pro-se  
PO BOX 1133  
Richmond, Virginia 23218  
540.692.2342

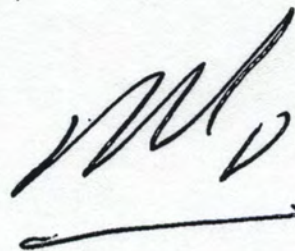
6. 22-17



2) Copy letter to court

3) R. W. H. A. Jones

Ex. 1



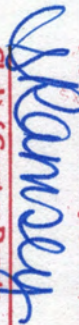
Date Issued

9/17/21

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Circuit Court for the County of Wise and the City of Norton, Commonwealth of Virginia.

J. Jack Kennedy, Jr., Clerk

Clerk of Court or Deputy



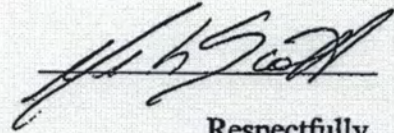
(SEAL)

VOID IF ALTERED OR DOES NOT  
BEAR IMPRESSED SEAL OF COURT



Certificate of Service

I, Melinda Scott, do hereby state under Oath that I have served the Defendant using a 3<sup>rd</sup> party pursuant to Virginia Code §8.01-320 and a person over the age of 18 who is not a party or otherwise interested in the subject matter of the controversy has mailed a copy of this Complaint to Joshua Moon, 3750 Don Janeal Rd, Pensacola, Florida 32526 the 7<sup>th</sup> day of April 2017.

A handwritten signature in black ink, appearing to read 'Melinda Scott', written over a horizontal line.

Respectfully,

Melinda Scott



**SUMMONS FOR HEARING**  
Commonwealth of Virginia

WISE GEN DIST - CIVIL  
CITY OR COUNTY General District Court

P.O. BOX 829, WISE, VA 24293

STREET ADDRESS OF COURT

**TO ANY AUTHORIZED OFFICER:**

You are hereby commanded to summon the Defendant(s) to appear on

05/25/2017 9:30 AM before this court to answer  
DATE AND TIME

☒ SEE ATTACHED ASSERTION

☐ the attached Sewage Handling and Disposal Ticket.

04/10/2017  
DATE ISSUED

*J. Sparks*  
CLERK [ ] MAGISTRATE

**CLAIM FOR VIOLATION OF SEWAGE HANDLING AND DISPOSAL REGULATION**

Plaintiff, Virginia Department of Health, claims that defendant is in violation of Virginia law as specified on the attached ticket.

DATE ISSUED

REPRESENTATIVE, VIRGINIA DEPARTMENT OF HEALTH

**CASE DISPOSITION**

Judgment: ☐ Plaintiff(s) \$

☒ Defendant(s) \$

\$ Costs awarded to ☐ Plaintiff(s) ☐ Defendant(s)

Sewage Handling and Disposal Offense: \$ Penalty assessed.

☐ NON-SUIT ☒ DISMISSED

Defendant(s) present? ☐ Yes ☒ No

DATE ENTERED

JUDGE

CASE NO. GV17000529-00

PLAINTIFF(S)  
MELINDA SCOTT

HEARING DATE  
AND TIME

05/25/2017

9:30 AM

V.

DEFENDANT(S)  
JOSHUA MOON

3750 DON JANEAL RD

PENSACOLA, FLA 32526

**SUMMONS FOR HEARING**

RECEIPT NO.

DATE FEE RECEIVED

\*\* \*

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on page two about requesting a change of trial location.

☐ To dispute this claim, you must appear on the return date to try this case.

☐ To dispute this case, you must appear on the return date for the judge to set another date for trial. See additional notice on page two.

\*\* \*

Bill of Particulars

ORDERED

DUE

Grounds of Defense

ORDERED

DUE

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)



**Recipient Information**

**To: Wise County**  
**Company: GDC**  
**Fax #: 12763284576**



**Sender Information**

**From: Melinda Scott**  
**Company: Ms.**  
**Email address: TCO.OutdoorRec@gmail.com (from 73.108.35.176)**  
**Phone #: 2765656461**  
**Sent on: Monday, May 15 2017 at 1:35 PM EDT**

Please find enclosed one (1) letter consisting of one (1) page

This fax was sent using the FaxZero.com free fax service. FaxZero.com has a zero tolerance policy for abuse and junk faxes. If this fax is spam or abusive, please e-mail support@faxzero.com or send a fax to 855-330-1238, or phone 707-400-6360. Specify fax #19416681. We will add your fax number to the block list.



Melinda Scott

Wise County General District Court  
206 E. Main St.  
Wise, Virginia 24293  
Sent via FAX to 276.328.4576


Re: Case Number GV17000529-00

To the Clerk of the Court:

I am not able to get through on the telephone line. I need to confirm that the Defendant in the above named case was served by a Sheriff in Pensacola, Florida so that I can ensure the hearing will not be dismissed.

Please contact me at \_\_\_\_\_ OR at the above address to confirm that the Sheriff's office in Florida served him and returned a service slip to you. I can receive Voicemails on my phone. Please leave a message if I am not able to pick up.

Thank you,

A handwritten signature in dark ink, appearing to read 'Melinda Scott', with a stylized flourish at the end.

Melinda Scott, Plaintiff pro-se



**PETITION FOR PROCEEDING IN CIVIL CASE  
WITHOUT PAYMENT OF FEES OR COSTS**

COMMONWEALTH OF VIRGINIA VA.CODE §§ 16.1-69.48.4; 17.1-606

Case No. ....

Wise County

☐ Juvenile & Domestic Relations District Court☒ Circuit Court ☐ General District Court

Scott, Melinda

v. Moon, Joshua

The undersigned petitioner(s) request the court to permit the petitioner(s) to sue or defend a civil case in this court without the payment of fees or costs and to have from all officers all needful services and process. In support of the petition, the petitioner(s) state that the following information is true:

☒ I currently receive the following type(s) of public assistance in Wise County
☐ TANF \$ ..... ☒ Medicaid ☒ Supplemental Security Income \$ 735
☒ SNAP (food stamps) \$ 810 ☐ Other (specify type and amount) .....
☐ I currently do not receive public assistance.

Names and address of employer(s) for myself and spouse:

Self I currently care for my disabled son at home full timeSpouse Unemployed/looking for work**NET INCOME:**Pay period (weekly, every second week, twice monthly, monthly) ..... Self n/a Spouse n/aNet take home pay (salary/wages, minus deductions required by law) ..... \$ n/a n/a

Other income sources (please specify) .....

TOTAL INCOME

COURT USE ONLY

**ASSETS:**Cash on hand ..... \$ 6 0Bank Accounts at: Wells Fargo ..... \$ 6 n/a

Any other assets: (please specify) .....

Real estate - \$ n/a with a value of ..... \$ ..... \$ .....

NET VALUE

Motor Vehicles

{ 2004 Chevy Suburban with net value of \$1500{ 2009 Ford Mercury with net value of \$1500Other Personal Property: (describe) n/a ..... \$ ..... \$ .....

TOTAL ASSETS

COURT USE ONLY

Number in household I have financial responsibility for, including myself.

**EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)**

Medical Expenses (list only unusual and continuing expenses) ..... \$ .....

Court-ordered support payments/alimony ..... \$ .....

☐ deducted from paycheck ☐ not deducted from paycheck

Child-care payments (e.g. day care) ..... \$ .....

Other (describe): ..... } \$ .....

TOTAL EXPENSES \$ .....

COLUMN "A" plus COLUMN "B" minus

COLUMN "C" equals available funds

COURT USE ONLY



ACKNOWLEDGEMENT

I understand that the court cannot provide me with legal advice, and that it may be advisable to get advice from a lawyer.

10/23/2017  
DATE

SIGNATURE - PETITIONER

MELINDA SCOTT  
PRINT NAME - PETITIONER

RESIDENCE ADDRESS OF PETITIONER

SIGNATURE - PETITIONER

PRINT NAME - PETITIONER

RESIDENCE ADDRESS OF PETITIONER

ORDER

☒ The petition is granted.

☐ The petition is denied.

10-25-17  
DATE

JUDGE

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Circuit Court for the County of Wise and the City of Norton, Commonwealth of Virginia.

Date Issued

9/17/21

(SEAL)

J. Jack Kennedy, Jr., Clerk

Clerk of Court or Deputy

VOID IF ALTERED OR DOES NOT  
BEAR IMPRESSED SEAL OF COURT





Julie Bates <julie@courtbar.org>

---

**case pending**

1 message

---

Julie Bates <julie@courtbar.org>  
To: tco.outdoorrec@gmail.com

Thu, Oct 5, 2017 at 5:32 PM

Ms. Scott,

It has been brought to my attention that you have a case pending appeal to Circuit Court against a Joshua Moon. I have attached a form for you to complete in order to have filed in forma pauperis without having to pay the filing fees. Just complete the form and email back to me.

Also, I was informed that didn't wish to proceed with the case. If that is so I can draft an order for you to sign and email back to me as well in order to have the case removed from the docket.

Please respond so that I know how to proceed.

Julie

--

Respectfully yours,  
Julie M. Bates  
Master Chief Deputy Clerk of Court  
For Wise County & Norton City  
Circuit Court  
PO Box 1248  
Wise, VA 24293  
276-328-6111 ext. 505

---

ifpform.pdf  
26K

Scott, Melinda

PO BOX 1133 - 2014PMB  
87  
Richmond, VA 23218

[Redacted signature area]



**VIRGINIA:**

**IN THE CIRCUIT COURT OF WISE COUNTY  
AND THE CITY OF NORTON**

**Melinda Scott,  
Plaintiff,**

**v.**

**Case No.: CL17-827**

**Joshua Moon,  
Defendant.**

**ORDER**

This matter came before the Court on a hearing on Plaintiff's complaint for an injunction and damages based on Virginia Code § 8.01-40, as well as on § 18.2-152.7:1, § 18.2-152.5, and § 18.2-186.3, and West Virginia Code § 61-3C-14a. The Plaintiff noted that the latter four code sections were included in error. As such, this Court will not address those code sections.

The Plaintiff requests an injunction, pursuant to Virginia Code § 8.01-40, to require Defendant "to remove all internet content using her name, her business, her marital relations, and her locality on any Blog or Internet page." Plaintiff also seeks damages of \$15,000. Code § 8.01-40 reads in pertinent part:

Any person whose name, portrait, or picture is used without having first obtained the written consent of such person . . . for the purposes of trade, such persons may maintain a suit in equity against the person, firm, or corporation so using such person's name . . . to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use.

Virginia Code § 8.01-40(A) (2017). Pleading rules require, when a claim rests on a violation of a statute, that the plaintiff allege "every fact necessary to bring [an]



action within the statute on which" a claim rests. *Compton v. Alton S.S. Co.*, 608 F.2d 96, 105 (4th Cir. 1979). "[A]ll the circumstances necessary to support the action must be alleged, or in effect appear on the face of the declaration." *Hogan v. Wilmoth*, 57 Va. (16 Gratt.) 80, 85 (1860).

Here, Plaintiff alleges that Defendant violated Code § 8.01-40 "by using and distributing the Plaintiff's name for the purpose of trade." Facts were not alleged on the face of the pleading to support this legal conclusion, nor did the complaint make any mention of the lack of written consent that is required to bring an action under Code § 8.01-40.

In addition, the complaint did not allege any injuries sustained by the alleged use of Plaintiff's name. Likewise, in the hearing conducted on November 30, 2017, Plaintiff presented no evidence of any injury suffered. "To recover damages in any case, a plaintiff must prove with reasonable certainty the amount of his damages and the cause from which they resulted." *Hale v. Fawcett*, 214 Va. 583, 585, 202 S.E.2d 923, 925 (1974) (citation omitted). When the Court inquired about damages she claims to have suffered, Plaintiff conceded that she had not in fact been damaged. However, Plaintiff argued that she might suffer future injury; this is mere speculation, which cannot be grounds for an award of damages. *Carr v. Citizens Bank & Tr. Co.*, 228 Va. 644, 652, 325 S.E.2d 86, 90 (1985). See also *Filkins v. McAllister Bros., Inc.*, 695 F. Supp. 845, 854–55 (E.D. Va. 1988).

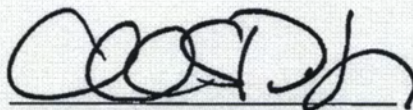
After a review of the pleadings and consideration of argument, the Court finds the Plaintiff has failed to state a claim for injunctive relief and damages.



Accordingly it is ADJUDGED, ORDERED, and DECREED that Plaintiff's complaint is hereby DISMISSED. The Clerk is directed to strike this matter from the Court's active docket.

12-14-21

Date



Chadwick S. Dotson  
Judge

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Circuit Court for the County of Wise and the City of Norton, Commonwealth of Virginia.

J. Jack Kennedy, Jr., Clerk

Date Issued

9/17/21

(SEAL)

  
Clerk of Court or Deputy

VOID IF ALTERED OR DOES NOT  
BEAR IMPRESSED SEAL OF COURT





Date: Oct 7, 2021 at 4:36 PM

From: mscottw <mscottw@masonlive.gmu.edu>

To: Matt Hardin <matthewdhardin@gmail.com>

Cc: Matthew D. Hardin <MatthewDHardin@protonmail.com>

Subject: Rule 11 Sanctions

D

Counsel Hardin,

Today I saw online that you filed another Motion for an Extension of time that once again violated Rule 11 in the fact that you have failed to do diligent inquiry before making false statements about me in a pleading.

In addition to finishing my complaint against you the VA Bar Association for unethical conduct in continuing to lie about me in pleadings without doing proper investigation first, as required by Rule 11, I will also motion for Sanctions against you in the Western District court of VA to cease and desist lying in pleadings about me. Your behavior is unethical and an abuse of process.

Might want to also request the records from Buchanan County Circuit Court as well regarding the appeal of that case, lest ye be found a liar two times over.

Not sorry,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342



Melinda Scott  
PO BOX 1133  
Richmond, VA 23218  
Friday, September 24, 2021

Matthew Hardin  
1725 I St. NW, Ste. 300  
Washington, D.C., 20006  
Sent via email to matthewhardin@gmail.com

RE: Joshua Moon  
Letter of Sept. 23  
4th District Case: 2:20cv14  
4th Circuit Case: 21-2006

Mr. Hardin,

I am writing this letter in response to your letter of September 23, 2021 which was written on behalf of your client Joshua Moon. I recall at one time, on April 2, 2017, I sent a letter to your client Joshua Moon with a similar "reconsider your course of conduct or I will take legal action". I was met with obscenities and vulgarities coming from the other end of the email. See Exhibit A and B attached to this letter. It seems that the tables have turned, except I will omit vulgarities and obscenities from my response.

I am aware of the 4th District Court's decision to grant the Motion for an Appeal Bond, which included a "bad faith" opinion being signed off by a magistrate Judge. However, the District Court is not the final say on any Order. The legality of any Order can certainly be challenged, and considering the Order of September 22, 2021 was wholly lacking in conformity with the legal standards of the Fourth Circuit and the Supreme Court of the U.S., there is much to say to the Court of Appeals regarding that Order. I could write several paragraphs discussing further details and assessing the motives of such an Order, but I don't think it's necessary to do that in this letter. I will just say that I am prepared to point out to the Court of Appeals that the Order of September 22, 2021 was another abuse of discretion by the 4th District Court.

You have yet to prove under the legal standards of the Fourth Circuit and the US Supreme Court that any of my complaints or pleadings fall under the *legal definitions* of "frivolous", "vexatious", "bad faith", "wantonly" or "oppressive". It's easy to throw words around in motions and pleadings, but just as a Plaintiff cannot plead merely legal conclusions and general statements in their Complaint, and instead must also plead *facts*, every motion and pleading asking for relief must state the *facts* upon which it relies. The plain *fact* here is, you will not be able to demonstrate any evidence nor facts which point to any behavior I have done which fall under the *legal definitions* of "frivolous", "vexatious", "bad faith", "wantonly" or "oppressive". Further, if the judges of the Fourth District Court continue to sign off on Opinions and Orders which wholly lack *facts* to support their Opinions and Orders, I will certainly continue



to appeal any abuse of discretion which is the result of a lack of facts. This is precisely what a Court of Appeals looks for: an error on the part of the district court when collecting facts, or their failure to adequately identify facts.

Take note, that my prior Appeal (19-1123) to the Court of Appeals<sup>1</sup> was solely revolving on the issue of CDA [47 U.S.C] Section 230 immunity and was dismissed on the following grounds:

*"We agree with the district court that Scott's complaint contained insufficient allegations that the Defendants provided illegal content about her or encouraged such content to be posted online."*

The reason my case was dismissed before was for no other reason than my Complaint lacking sufficient allegations to clearly state that Joshua Moon did not qualify for immunity under CDA [47 U.S.C] Section 230. This is no longer an issue here in this case, as I was sure to put a nice long paragraph in my Complaint (docket #2, paragraph 76). My other prior Appeal to the Court of Appeals (19-1011) was revolving the issue of whether or not there were sufficient allegations in the Complaint indicating that Joshua Moon was a state actor<sup>2</sup>. The case was dismissed solely on the grounds that the Complaint did not contain sufficient allegations to qualify him as a state actor.

The point is here, that I do not expect the Court of Appeals to dismiss this current Appeal on the grounds that I have not sufficiently included allegations regarding Joshua Moon's (lack of) immunity under CDA [47 U.S.C] Section 230. There is a nice long paragraph about that in my complaint (docket #2, paragraph 76). Nor do I expect them to dismiss it for lacking sufficient allegations regarding IIED. Even Judge Jones, prior to him being offended, ruled that my allegations were sufficient. He only changed his mind after being offended. I also have plenty of case law in my Appeal to support my assertion that I have met the legal standard for pleading all four elements of an IIED case against Joshua Moon. My case law is long and very reliable.

If the district court awards you attorney fees, without (once again) asserting facts and case law upon which their opinion and order rests, I will appeal it to the 4th Circuit Court of Appeals. Even if after all is "said and done" there is a judgment for which you could collect, I don't think it's in your best interest to go through that painstaking process because there isn't much of anything for you to take from me. Be advised, I'm not saying this to boast about being "judgment proof", I'm just stating these are the circumstances, *as a matter of fact*. As a matter of fact, I fall into a particular financial category. The Virginia Homestead Exemption Act<sup>3</sup>, which includes the "Poor Debtor's Exemption"<sup>4</sup>, protects the basic assets I have. There's also limits on my wages that you can take<sup>5</sup>. All of my other assets, which mostly is a life insurance policy,

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<sup>1</sup> <https://law.justia.com/cases/federal/appellate-courts/ca4/19-1123/19-1123-2019-07-02.html>

<sup>2</sup> <https://law.justia.com/cases/federal/appellate-courts/ca4/19-1011/19-1011-2019-07-02.html>

<sup>3</sup> <https://law.lis.virginia.gov/vacode/title34/chapter2/section34-4/>

<sup>4</sup> <https://law.lis.virginia.gov/vacode/34-26/>

<sup>5</sup> <https://law.lis.virginia.gov/vacode/34-29/>



exist in a Trust for my children. This Trust pre-dates your request for Attorney fees and was constructed because I need to be realistically prepared for leaving my dependents with provisions if I have an untimely passing. I also had to build the Trust to ensure that my dependents end up with more of a fair share outside of Virginia law's requirement to leave a portion of anything I own to my legal spouse (should I pass away untimely). These assets in the Trust I have created for my children's well being can't be touched by any judgment against the person "Melinda Scott".

The other reality here is that your client had other options than what you perceive to be an "escalated pattern of litigation". Your client could have: (a) removed prior to the litigation my legal name, photo and business name from his website, as legally requested on April 2, 2017<sup>6</sup> (b) responded sooner to the lawsuit that he had constructive notice<sup>7</sup> of, on July 10, 2020 (c) been as courteous as he attempts to be now and offered me a settlement earlier in the process. It also perplexes me *why*, if you believe that my case is so meritless, and will ultimately fail, that you both choose to even respond.

Even if this case is dismissed, I still will pursue an Appropriation claim against Joshua Moon either in State or Federal court. The only reason I didn't include it in my 2020 Complaint was because my best chance at prevailing was to let all the violations accrue within the statute of limitations. No disgruntled judge, no matter how offended, can remove my constitutional right to file. With me including adequate allegations about the (lack of) immunity under CDA [47 U.S.C] Section 230, the case will likely prevail. I am also considering bringing a case against Joshua Moon for: (a) Tortious Interference with Contract or Business Expectancy and (b) the Tort of (Civil) Conspiracy. The point being, as I have stated before, I will exhaust all legal remedies available to me to both prevent additional damages and recover for past injuries and damages. I will continue to be persistent.

Absent in your letter, written on behalf of your client, is any mention of *his* behavior. Of course you are hired to seek the interests of your client, but if you're going to write me a letter at the request of your client seeking to mitigate what you deem to be an "escalation of litigation", with no acknowledgment on the part of your client about *his* behavior, it is sure to result in me questioning your client's intentions. I read the judge's opinion in Russell Greer's case. Of particular note is the judge's statements in the conclusion: "The court sympathizes with Mr. Greer's plight". Your client could do well in taking heed to this particular judge's reasonable and more humane approach to litigation.

There is a very simple solution to halt and end litigation between your client and I and consequently, stop any further lawsuits, costs and fees for him. It is a solution that has been

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<sup>6</sup> In a prior pleading you asserted that your client was not guilty of Appropriation however, the Tort of Appropriation in *Restatements* and VA law is very straightforward. You can't use someone's name and photo for a business without their permission.

<sup>7</sup> For a briefing of the Fourth Circuit's legal standards of "constructive notice" requiring a Defendant to act, see docket#42, Memorandum of Law, bullet II. Note: it states "Fourth District". That is an error on my part, it should read "Fourth Circuit". See also *Krupski v. Costa Crociere SpA*, 560 US 538 - Supreme Court 2010 and *Neale v. Liberty Mutual Insurance Company*, Dist. Court, WD Virginia 2020

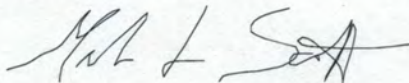


available all along: your client remove my legal name, references to my business, and photos I don't consent to from his website. If your client would like to sign a legally binding settlement agreement that we mutually agree on, with the following terms listed below included, I will: (a) withdraw my current Appeal (b) end all litigation in the Fourth District and Fourth Circuit (c) mutually notify the court that we have reached a settlement (d) not file any further cases for Appropriation (e) waive any other rights to claims or damages for any action taken by your client prior to the signed settlement agreement:

1. Your client removes all references, tags and SEO searches to my name such as "Melinda Scott", "Melinda L. Scott", "Melinda Leigh Scott", and "mscottw@gmu.edu" from his website KiwiFarms.net, and any offshoots of his website that he controls.
2. Your client removes all references, tags, photos and SEO searches to my Copyrighted work, "Juvenescence Outdoors" (both the 4th and 5th edition) from his website, KiwiFarms.net, and any offshoots of his website that he controls.
3. Your client agrees to prohibit any publication of my legal name, in any form, or reference to my copyrighted works, in any form, in the future on his website KiwiFarms.net, and any offshoots of his website that he controls, at any time.
4. Your client agrees to prohibit any publication of my residential address or county of residence on his website, from 02/01/2021 onward, at any time.
5. Your client adopt an anti-stalking measure on his website to prohibit any member of his website from engaging in surveillance of the Plaintiff, including intentional interference with her work and leisure activities, with the intent to harass, intimidate, or injure the Plaintiff, including maintaining a sufficient reporting system in place; and your client agrees to take action for such reports of activity that constitutes Cyberstalking.
6. Your client makes at least some offer for restitution for engaging in and inciting malicious behavior, outside of the normal conduct of business, toward me.

I would be pleased with an end to litigation as well, as it can become tiring at times. However, if I do not hear from you or a Settlement Agreement is not signed soon, all 3 of my Appeals will go in the mail soon to the Court of Appeals. A prompt reply to this letter from your side would be appropriate and appreciated. I did see your Motion to Strike this morning, and will reply to that as well through a filing with the district court. However, even if the district court grants your Motion, I will appeal that to the Court of Appeals as well, citing the appropriate case law and facts to support my legal conclusions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Scott', with a stylized flourish at the end.

Melinda Scott  
mscottw@gmu.edu



Date: Sep 17, 2021 at 10:02 AM

From: mscottw <mscottw@masonlive.gmu.edu>

To: Matt Hardin <matthewdhardin@gmail.com>

Subject: Re: Notice of Sanction Motion

---

Suit yourself. I gave you a fair opportunity to correct yourself.

Filing a valid Bar Complaint is my right, it has nothing to do with "threats". But then again, I've seen your blatant indifference for people's constitutional rights.

Ta-ta now.

Signed,

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342

---

**From:** Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)>  
**Sent:** Friday, September 17, 2021 12:23 AM  
**To:** mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)>  
**Cc:** Matthew D. Hardin <[MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)>  
**Subject:** Re: Notice of Sanction Motion

By my count, this is the third time you've threatened me with sanctions or a bar complaint today (four, if you count the duplicative email that you sent to Judge Sargent). If you think you have a good faith basis for a sanctions motion or bar complaint, file it and I will respond appropriately.

I don't engage with people who call me a liar, so I rather prefer that you file whatever you feel the need to file in court or with the proper authorities instead of writing to me again.

**Matthew D. Hardin**  
1725 I Street NW, Suite 300  
Washington, DC 20006  
Phone: (202) 802-1948  
Email: [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)

**Show More**



Date: Sep 17, 2021 at 7:38 AM

From: mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)>

To: Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)> , Pamela Sargent <[pamelas@vawd.uscourts.gov](mailto:pamelas@vawd.uscourts.gov)> ,  
robinb@vawd.uscourts.gov <[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov)>

Cc: Whitney Thurman <[whitneyt@guynnwaddell.com](mailto:whitneyt@guynnwaddell.com)> , christopherd@guynnwaddell.com  
<[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Since I have been put on an aggressive assault of Mr. Hardin electronic filing all over the place in the case without me having equal footing to respond as fast, because I cannot electronically file, I will state again, because time is of the essence, and I won't be lied about in order for another to gain advantage, Mr. Hardin did in fact make a false statement to this court in his Proposed Order stating that a Fourth Circuit Federal Appeal's Court denied my federal appeal bond.

There's nothing stating in the rules that I cannot remark on a Proposed Order that was crafted in order to sway a Judge, and my remarks here are relevant.

His exact words in the Proposed Order were that "The Fourth Circuit has also previously rejected an attempt by the Plaintiff to appeal without payment of an appeal bond. In re Scott, Case No. 18-1140 (April 17, 2018)". This is a false statement. The Fourth Circuit is a Federal Court. The appeal bond issue was in a General District STATE court. Mr. Hardin wants to cherry pick my words out of context to say I'm wrong for saying "It had nothing to do with an Appeal Bond". The Federal Court was handling a Writ of Mandamus to order a General District Court that violated VA Code 16.1-107 (B). The General District STATE court violated the appeal bond law, not the Federal Appeal's court and therefore, I'm not wrong for saying "it had nothing to do with an Appeal Bond" because the Federal Court was ruling on a Writ of Mandamus, not whether or not I was going to pay an Appeal bond in a Federal Court.

This is the second time Mr. Hardin has made a false statment (lie) about me in a pleading and I will file a paper snail mail response detailing it for Sanctions and I report this to the VA Bar Association. I emailed Counsel Hardin to give him an opportunity to correct himself under Rule 11 but he has refused.

I will send this twice to ensure delivery.

Sincerely,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342

---

From: mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)>

Sent: Thursday, September 16, 2021 5:01 PM

To: Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)>; Pamela Sargent <[pamelas@vawd.uscourts.gov](mailto:pamelas@vawd.uscourts.gov)>;  
[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov) <[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov)>

Cc: Whitney Thurman <[whitneyt@guynnwaddell.com](mailto:whitneyt@guynnwaddell.com)>; [christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)  
<[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Also take note that Mr. Hardin's claim inserted into his "Proposed Order" stating that an Appeal's



Also take note that Mr. Hardin's claim inserted into his illegal proposed Order stating that an Appeals court denied a request for an Appeal bond (citing 18-1140) is erroneous and not factual. That case was for a Writ of Mandamus, accidentally filed in the wrong appeals court. It had nothing to do with an Appeal Bond.

After another reading of his proposed illegal Order, I see a number of additional illegal items inserted into the illegal proposed Order. There is no legal basis for trying to dissuade a litigant from appealing with the language that Mr. Hardin crafts.

Nevertheless, Mr. Hardin's proposed Order is illegal and I will take proper legal action on my part, including but not limited to reporting to the VA Bar Association, for lying in a pleading about me (re: 18-1140), and for constructively creating an illegal Order. This I will do if it is granted in violation of the law which grants me the constitutional and legal right to proceed without an appeal bond since I have been granted leave to proceed in forma pauperis (docket #3).

Sincerely,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342

---

**From:** Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)>  
**Sent:** Thursday, September 16, 2021 2:19 PM  
**To:** Pamela Sargent <[pamelas@vawd.uscourts.gov](mailto:pamelas@vawd.uscourts.gov)>; [robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov) <[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov)>  
**Cc:** mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)>; Whitney Thurman <[whitneyt@guynnwaddell.com](mailto:whitneyt@guynnwaddell.com)>; [christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com) <[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)>  
**Subject:** Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Good afternoon,

Pursuant to Judge Sargent's Practices and Procedures, I am attaching a proposed order in the above-referenced matter.

Thank you,

**Matthew D. Hardin**  
1725 I Street NW, Suite 300  
Washington, DC 20006  
Phone: (202) 802-1948  
Email: [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)

**Show More**



Date: Sep 17, 2021 at 12:10 AM  
From: mscottw <mscottw@masonlive.gmu.edu>  
To: Matt Hardin <matthewdhardin@gmail.com>  
Cc: Matthew D. Hardin <MatthewDHardin@protonmail.com>  
Subject: Notice of Sanction Motion

---

Counsel Hardin,

You have now made 2 lies/false statements in pleadings about me, listed below. Pursuant to Rule 11, I am giving you notice and opportunity to correct these false statements (lies) before the federal district court.

1. You made a false statement to the district court stating I made statements on Kiwi Farms showing I had improper motive for filing a lawsuit (docket #63, paragraph 4(b)). Not surprisingly, you couldn't reference a single post demonstrating it, because it's a lie.
2. You lied to the federal district court in an email Proposed Order saying that my Appeal to the Appeal's court was for an Appeal bond in the "FOURTH CIRCUIT" (meaning a federal appeals court). You further made a false statement that the Fourth Circuit had denied my request for an Appeal bond in federal court (paragraph #4). This is a blatant lie because it was for a Writ of Mandamus to order a General District Court that violated VA Code 16.1-107 (B). The General District STATE court violated the appeal bond law, not the Federal Appeal's court and therefore, you have made a false statement to the court.

If you do not correct these false statement/lies before the court I will file for sanctions, including this as an exhibit, and I will report you to the Bar Association for lying in pleadings about me.

Sincerely,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342



Date: Sep 16, 2021 at 5:01 PM

From: mscottw <mscottw@masonlive.gmu.edu>

To: Matt Hardin <matthewdhardin@gmail.com> , Pamela Sargent <pamelas@vawd.uscourts.gov> , robinb@vawd.uscourts.gov <robinb@vawd.uscourts.gov>

Cc: Whitney Thurman <whitneyt@guynnwaddell.com> , christopherd@guynnwaddell.com <christopherd@guynnwaddell.com>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Also take note that Mr. Hardin's claim inserted into his illegal proposed Order stating that an Appeal's court denied a request for an Appeal bond (citing 18-1140) is erroneous and not factual. That case was for a Writ of Mandamus, accidentally filed in the wrong appeals court. It had nothing to do with an Appeal Bond.

After another reading of his proposed illegal Order, I see a number of additional illegal items inserted into the illegal proposed Order. There is no legal basis for trying to dissuade a litigant from appealing with the language that Mr. Hardin crafts.

Nevertheless, Mr. Hardin's proposed Order is illegal and I will take proper legal action on my part, including but not limited to reporting to the VA Bar Association, for lying in a pleading about me (re: 18-1140), and for constructively creating an illegal Order. This I will do if it is granted in violation of the law which grants me the constitutional and legal right to proceed without an appeal bond since I have been granted leave to proceed in forma pauperis (docket #3).

Sincerely,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342

From: Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)>

Sent: Thursday, September 16, 2021 2:19 PM

To: Pamela Sargent <[pamelas@vawd.uscourts.gov](mailto:pamelas@vawd.uscourts.gov)> ; robinb@vawd.uscourts.gov <[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov)>

Cc: mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)> ; Whitney Thurman <[whitneyt@guynnwaddell.com](mailto:whitneyt@guynnwaddell.com)> ;

[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com) <[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Good afternoon,

Pursuant to Judge Sargent's Practices and Procedures, I am attaching a proposed order in the above-referenced matter.

Thank you,

**Matthew D. Hardin**  
1725 I Street NW, Suite 300  
Washington, DC 20006  
Phone: (202) 802-1948  
Email: [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)







Date: Sep 16, 2021 at 3:45 PM

From: mscottw <mscottw@masonlive.gmu.edu>

To: Matt Hardin <matthewdhardin@gmail.com> , Pamela Sargent <pamelas@vawd.uscourts.gov> , robinb@vawd.uscourts.gov <robinb@vawd.uscourts.gov>

Cc: Whitney Thurman <whitneyt@guynnwaddell.com> , christopherd@guynnwaddell.com <christopherd@guynnwaddell.com>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Firstly, pursuant to local Rule 11c I am afforded another opportunity to respond within 7 days to Mr. Hardin's Motion. That time has not expired and so this proposed Order is premature.

This proposed Order has no basis in law, as I have been granted leave to proceed in forma pauperis (docket #3). Mr. Hardin has cited no law and no case law demonstrating that my petition to proceed in forma pauperis can be retroactively withdrawn or altered by a district court. No law or case law has been cited to demonstrate that once jurisdiction has passed to the Appeals court that such a thing can be requested at the district level. The file has already been transferred to the Appeals Court and they hold jurisdiction.

Please be advised that if this Order is granted it will immediately be appealed to the next highest court.

Also please be advised that if this Order is granted in violation of the law, I will also report any attack on my constitutional and legal right to proceed in forma pauperis, without a legal basis in law cited, to the VA Bar Association and the Judicial Ethics Committee.

This email will be sent twice to ensure delivery.

Sincerely,  
Melinda Scott

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
[mscottw@gmu.edu](mailto:mscottw@gmu.edu)  
540-692-2342

From: Matt Hardin <[matthewdhardin@gmail.com](mailto:matthewdhardin@gmail.com)>

Sent: Thursday, September 16, 2021 2:19 PM

To: Pamela Sargent <[pamelas@vawd.uscourts.gov](mailto:pamelas@vawd.uscourts.gov)>; robinb@vawd.uscourts.gov <[robinb@vawd.uscourts.gov](mailto:robinb@vawd.uscourts.gov)>

Cc: mscottw <[mscottw@masonlive.gmu.edu](mailto:mscottw@masonlive.gmu.edu)>; Whitney Thurman <[whitneyt@guynnwaddell.com](mailto:whitneyt@guynnwaddell.com)>; christopherd@guynnwaddell.com <[christopherd@guynnwaddell.com](mailto:christopherd@guynnwaddell.com)>

Subject: Re: Scott v. Wise Co. Dept. of Social Services et al. (Case No. 2:20-cv-00014-JPJ-PMS)

Good afternoon,

Pursuant to Judge Sargent's Practices and Procedures, I am attaching a proposed order in the above-referenced matter.

Thank you,

Matthew D. Hardin  
1725 I Street NW, Suite 300  
Washington, DC 20006  
Phone: (202) 802-1948



**Show More**



Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
January 8, 2021

Matthew Hardin, Esq.  
1725 I Street NW, Suite 300  
Washington, DC 20006

RE: Sanctions Letter

Mr. Hardin, Esq.,

As stated in my email on 1/6/21, I am in receipt of your sanctions letter and will respond here in writing. I will use this letter to highlight the inaccuracies in your letter regarding your asserted “facts”. I will go into detail regarding this case and others to demonstrate the factual basis for and merits of my filings. I will also use this letter to highlight the actual and real facts surrounding my filings. The actual and real facts show the situation here does not warrant the use of pre-filing injunctions and sanctions against me.

Virginia Code has no “vexatious litigant” clause in its laws. Virginia Code §8.01-271.1 mirrors Federal Rule 11 and gives courts discretion to declare someone a “vexatious litigant” under section “D” of the code, as a form of “sanction”. The sanction of declaring someone “vexatious” has been used very sparingly in the history of Virginia. It has also been used sparingly in the Supreme Court of the U.S. and in the Fourth Circuit. It is used most often in extreme cases, such as one person who filed 750 cases in 14 years<sup>1</sup>. Or another, who re-filed a case that was dismissed with prejudice several times<sup>2</sup>. Or one individual who filed more than 100 motions and requests for relief in one case that the judges described as “imaginative”<sup>3</sup>. Or a woman who filed 200 civil complaints in 3 years<sup>4</sup>. The circumstances in cases where people have been declared a “vexatious litigant” do not match mine. The idea that I should be declared a

---

<sup>1</sup> Judd v. Sec. of State of WV, et al (2011) (4<sup>th</sup> Circuit)

<sup>2</sup> Kim v. PROGRESSIVE NORTHERN INSURANCE COMPANY, Dist. Court, D. South Carolina 2017

<sup>3</sup> Whitehead v. Paramount Pictures Corp., Dist. Court, ED Virginia 2009

<sup>4</sup> Levy v. EXTENDED STAY AMERICA, Dist. Court, WD North Carolina 2013



“vexatious litigant” is simply your opinion. Either way, the court cannot ultimately ban me from filing, as my 14<sup>th</sup> Amendment right to due process and access to the courts cannot be barred. An “ [ ] injunction must not, however, effectively deny access to the courts...” (*Whitehead v. Paramount Pictures Corp.*, Dist. Court, ED Virginia 2009). Make no mistake, I am fully aware of my rights.

Several of your motions and communications have been an attempt to try to intimidate and scare me out of asserting my rights. On their face, they appear like legal “gaslighting”: an attempt to make me think one thing is going on, when in reality there is another truth. You want me to believe that I cannot bring a separate claim for a new cause of action, when in reality, I can. You seem to be trying to see just how knowledgeable I am and if I am brave enough to assert my rights. I notice these aggressive attempts at silencing me often come after my push for discovery. This makes it appear to me that your client and others are desperate to hide information and have something to gain from hiding it. Your Motions have also been used to harass me with derogatory insults, but the purpose of this letter is not to discuss that aspect.

My former cases against Joshua Moon were for Appropriation, the Tort of Defamation, the Torts of Publication of Private Facts and False/Negative Light, and a 4<sup>th</sup> Amendment violation as a state actor. The state Appropriation case (§8.01-40) was filed in May 2017 in a state court. My only concern at that time was the effect my name and photo being on KiwiFarms.net would have upon my small business. In fact, that is how I discovered KiwiFarms.net: I did a Google search to check up on my small business. At that time I had a website running to try to make sales on retail products I sold.

In April 2017 I sent an email to your client Mr. Moon advising him that he did not have permission to use my name and photo for his business. If he had removed my name and photo from his for profit business website, there would be 0% chance of any litigation against him. When *he chose* to keep my name and photo up on his website, he took the risk of being sued. He assumed that risk himself. If someone sent me a letter telling me I didn’t have permission to use their photo and name on my website, I would have removed it out of common decency, laws or not. I would also remove it so I would incur a 0% chance of being sued.

The first case, a state case for Appropriation, was for actions done by Mr. Moon in 2017. It was appealed in a state court in 2017 and ruled on in December 2017. The judge dismissed the



case *without prejudice*. The judge only dismissed the case because everything I told him in the hearing did not actually appear in the Complaint. As a side note, when I finished the case, I overheard the clerk tell the judge “she did a really good job”. I heard the judge reply “yes, she did.” He dismissed the case *without prejudice* to give me an opportunity to fix my Complaint and re-file. There is ample case law in Virginia to make Mr. Moon liable for using my name and photo, without my permission, as a for profit business. The statute of limitations for that would be for 20 years after me being deceased.

While I contemplated re-filing the case for Appropriation in state court, the volume of content on KiwiFarms.net about me grew and changed (between May 2017 and Fall 2018). I largely ignored the immature, vulgar, crass, and indecent comments made about me and my family for awhile, until my child and I were physically assaulted by a neighbor, and my personal property destroyed because of what neighbors read about me on KiwiFarms.net. Because the volume of content on KiwiFarms.net grew and changed, and the increasing negative effects of the content manifested, I then filed 2 cases against Mr. Moon in Federal court in 2018 for actions done in 2017 and 2018. Instead of re-filing in state court, the Appropriation case from state court was merged/transferred into a case with the Torts in Federal court. Judge Jones dismissed those, for the reasons stated in his opinions, on December 12, 2018 and January 24, 2019. No case was filed before July 8, 2020 for Mr. Moon’s actions in 2019.

This case here before us is an I.I.E.D case. The I.I.E.D case before us is not a claim of Defamation, nor of Publication of Private Facts, nor of False/Negative Light, nor of Appropriation (against Mr. Moon). This case here was filed on July 8, 2020. It is for actions done by Mr. Moon between July 9, 2018 and July 8, 2020. Specific details from 2018 and 2019 may have been included, but that is not barred because the 2 former cases were both dismissed “without prejudice,” under 28 USC 1915(e)(2)(B)(ii). I went and looked up Judge Jones’ Orders today to double check and yes, they were dismissed “without prejudice”. I know what “without prejudice” means. It means I can re-file and bring the issue up again, should I perfect my claim in writing and re-file with more details and facts that I may have previously missed. So even if I would include in this 2020 case elements, facts and details included in my 2018 cases that were dismissed, I am well withing my rights to do so (because they were dismissed “without



prejudice”). Therefore, it wouldn’t matter if this case was based upon the “same course of conduct” (an objection you raise in your first paragraph (“1.”)).

I have never claimed to be a legal expert. I am actually a law school drop out. I attended law school, with a merit based scholarship, at Appalachian School of Law briefly in the Fall of 2017. This was *after* some of my cases were filed. I worked for an attorney for 6 months in 2004 while a freshman in college. I have a Bachelor’s degree, but I do not have a JD. I have filed and successfully prevailed in a few cases in state court between 2011 and 2019. I have mentioned these state cases in some of my filings. I have legal knowledge, but I have had a huge learning curve attempting to represent myself in federal courts. All of my filings have legal merits, I have simply made technical errors along the way that have gotten my federal cases dismissed.

A few of my cases had no case law upon which I could rely. I simply had to break new ground in bringing the issue before a judge. For example, I sued a Mr. Carlson of Schenectady, NY for using my business logo in a YouTube video which I alleged was copyright infringement. The Fourth Circuit had no case law upon which I could rely for this issue (to consider using business logos as copyright protected “art”). It gave the court an opportunity to set a precedent. My case ended up being used as a precedent for another case<sup>5</sup>. Some of my other cases have also been the subject of legal news. For example, a website concerned with religious liberties discussed my case against VA DMAS<sup>6</sup>. Although you contend that I am embarrassed about my dismissals, I actually am not. I believe in using the courts, not violence, to protest the violation of one’s general and constitutional rights. Even if technical errors result in the dismissal of the case, it is worth the effort of trying, because the approach is dignified.

My cases against Wise County DSS have nothing to do with “punishing” anyone. They did *as a matter of fact*, violate my constitutional rights. This is why their only defense was seeking 11<sup>th</sup> Amendment immunity. They couldn’t deny what they did. Nevertheless, I was surprised that they were awarded 11<sup>th</sup> Amendment immunity when I made a strong case that they were their own “local governing body”. Virginia actually has no definition of what a “local governing body” is under any Va Code section of “definitions”. Neither is the term “local governing body” defined by Fourth Circuit case law. I looked. It is up to the discretion of the

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<sup>5</sup> Hawkins v. Fishbeck, 301 F. Supp. 3d 650 - Dist. Court, WD Virginia 2017

<sup>6</sup> <http://religionclause.blogspot.com/2018/10/11th-amendment-dismissal-avoids-ruling.html>



court. I believe, in my heart of hearts, with good faith, that Wise County Dept. of Social Services should have been held accountable as a “local governing body”. The Wise County Board of Supervisors does not list Wise County Department of Social Services under their government structure. You can take a look yourself<sup>7</sup>. The judge decided not to recognize Wise Co. DSS as their own “local governing body” and that was at his discretion. Now the judge decided, matter settled.

You also have failed to realize that the Fourth Circuit is lagging behind other Circuits when it comes to constitutional violations by child welfare agencies. Many states actually have written into their laws constitutional protections for caretakers by requiring child welfare agencies to show up with warrants. My lawsuit against Wise County DSS is breaking fresh ground. Other than the fact that the agency collectively was granted 11<sup>th</sup> Amendment immunity, there is no existing case law in the Fourth Circuit regulating these constitutional issues I brought up in my Complaint. The only other option I have is suing individuals directly in their official capacities and suing government officials in Richmond, VA. Both of those present their own complications, but this letter is not the place to discuss those.

Now I turn to your second paragraph (“2.”). Mr. Moon publicly presented himself as a transient person moving around from town to town. I know this from watching the things he posts online, as well as what his “true and honest” fans state online. This would make personal service upon him at his place of abode problematic. Although I believe he has domicile in Florida that allows him to be a registered Republican (on “active” status), Mr. Moon’s mother’s involvement in KiwiFarms.net would make service there problematic. I would doubt her willingness to forward the Summons and Complaint to Mr. Moon. I had the option of serving him as a business, and that is what I elected to do, in order to meet the time deadlines required by federal rules.

In your third paragraph (“3.”) you claim that I did not make inquiry into Mr. Moon’s involvement into the affairs I describe in my Complaint. That is not correct. I also am aware that I am not legally obligated to disclose my exhibits to you at this time. I do not have to participate in interrogatories, requests for admission and discovery requests from you unless the Default is overturned. Should that time come, we can engage in an exchange of information of that nature.

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<sup>7</sup> <http://www.wisecounty.org/orgchart.pdf>



I will also take the opportunity to say that making a malicious CPS call is a crime. The Virginia legislature has gone out of their way to remind the public that malicious CPS calls are not the purpose of child welfare agencies. Citizens of the Commonwealth of Virginia have several avenues in protecting themselves from malicious CPS calls. Likewise, reporting someone for owning a gun and fabricating false allegations like saying I said I would kill one of my children is something any reasonable person would act upon. I don't know any caretaker in the state of Virginia that would sit around idly in such a situation. Whatever your motive is for expecting me to not speak up for or defend myself is irrelevant, but I will not sit down in silence. I am not a doormat and I will exhaust every legal option I have for holding Mr. Moon accountable for his actions. He is not above the law, even though he has made several statements alluding to the idea that he thinks he is.

In your fourth paragraph ("4.") you claim that I have re-filed despite "dismissals". I have addressed this in part in my statements above. I am well within my legal rights to re-file when cases have been dismissed "without prejudice". That doesn't make me a "vexatious litigant", just a persistent one. Every single one of my cases against Mr. Moon and others has been with merit, only not without technical errors. "Rule 11 expressly applies to pro se litigants, although the court may exercise "sufficient discretion to take account of the special circumstances that often arise in pro se situations." Fed. R. Civ. P. 11 advisory committee's note to 1983 amendment (citing *Haines v. Kerner*, 404 U.S. 519 (1972))." (*OWEN-WILLIAMS v. KWARCIANY*, Dist. Court, D. Maryland 2018).

In your fifth paragraph ("5."), you allege that my litigation has been to harass, punish, cause unnecessary delay, or increased expense for Mr. Moon. I deny each of those accusations against me. We have civil laws set in place and when those are breached, our society has given people a way to right civil wrongs without violence. In the past, when people attacked another person's honor in society, people took to the streets and fields in sword combat. Duels, prompted by attacking another's honor, were common as late as the 1600s. Mr. Moon's website KiwiFarms.net is bad journalism aimed at attacking others' public honor.

The targets of Kiwi Farms are specifically hand picked to be people who defy their users' patriarchal, heterosexual, white supremacist world view. I am not saying this as a moral judgment upon *their* beliefs. They have a right to believe what they want. What they do not have



is a right to attack others in the ways that they do. Their motive is to *attack* me because I do not fit their patriarchal world view of what a feminine female should be like. I have an abundance of proof demonstrating that. I have an abundance of proof to establish that Mr. Moon has actual malice toward me.

You can even see the sexism in Mr. Moon's subtle comments. Firstly, in the way Mr. Moon has attacked the quality of my handwriting, because in his mind feminine females should have pretty handwriting (a common sexist belief in American (USA) society). You can see that in the way Mr. Moon has tried to put in a negative light my larger forehead because his sexist ideal is that women should have small foreheads (a common sexist belief in American (USA) society). You can see the patriarchal sexism in the dozens and dozens of comments on KiwiFarms.net about my life choices as a woman and my sexuality as a woman. Their unbridled defamation, hostility, threats, malice, lies, and social abuse aimed at me are because they do not want a woman with matriarchal elements in her family to have a place in this world. Their behavior is barbaric, extreme, outrageous and indecent. It is like something out of the dark ages. While I do believe that many of the users are part of countries that have not made as much progress as the United States in granting women equality, it still is no excuse for their course of conduct, your client Mr. Moon included. I will not stand by idly and not speak up for my own gender in calling out their sexism and holding them accountable legally for their malicious, undignified attacks against me.

The nature of content on KiwiFarms.net is not just fun humor. Them calling me "smelly melly" is simple humor. Not a big deal. But that is not the full scope of content on that website. The content on the website is an aggressive attack against each person they have targeted as a "lolcow" to socially abuse and injure them in any way they can. I was given journalism links by another person showing that many of the users on KiwiFarms.net came out of a movement called "Iron March". The "Iron March" movement was (is?) a white supremacist movement. They are known for their misogyny.

I am not the only "lolcow" that has been injured by their course of conduct. I am not the only "lolcow", or person for that matter, that sees their conduct as indecent and inhumane. When someone attacks another person's public honor with the intent to injure, harass, or sabotage their well being, there are legal actions that a person can take to resolve the issue. I am aware of my



legal choices and have done nothing more than exercised those options, using the time and resources that I have. I have the right to hold Mr. Moon legally accountable for his actions, and that is what I have elected to do. You may have tried to forewarn me of monetary penalties and *your* belief that my complaint, motions and filings are “frivolous”, but I simply don’t agree with those beliefs. I think that you’re trying to be a good lawyer to Mr. Moon by using every tool at your disposable, however, I still disagree with your legal conclusions.

Your sixth (“6.”) paragraph are statements about costs incurred by Mr. Moon. As I mentioned before, and am emboldened to reiterate now, Mr. Moon had the option of removing my name and photo from his website to have a 0% chance of risking litigation. I am not punishing Mr. Moon with attorney’s fees. He simply is experiencing the consequences of his own actions. Additionally, Mr. Moon is getting substantial financial support from his users, so on some level, he is not feeling the effects of paying for attorney’s fees. To avoid attorney’s fees and litigation costs Mr. Moon could have removed my name and photo. He could have changed the platform of his website to be less socially abusive. He could have reached out to me with an email discussing in a civilized manner my objections to the use of my name and photo. He has a lot of potential to be a good journalist, but without ethics, one’s talents are useless and a source of trouble.

I have also seen in your Motion that you are requesting for a pre-filing injunction. “In determining whether a pre-filing injunction is substantively warranted, a court must weigh all the relevant circumstances, including (1) the party's history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts and other parties resulting from the party's filings; and (4) the adequacy of alternative sanctions. See, e.g., *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir.1986); *Green v. Warden, United States Penitentiary*, 699 F.2d 364, 368-69, 370 n. 8 (7th Cir.1983); *Pavilonis*, 626 F.2d at 1078-79.” (*Cromer v. Kraft Foods North America, Inc.* 390 F. 3d. 812 Court of Appeals, 4<sup>th</sup> Circuit 2004). The requirements of obtaining a pre-filing injunction do not apply to me.

My history of litigation at the state court level, which I can present as exhibits if needed, is about a 75% success rate. I had one case dismissed because I was 20 minutes late. I had another case dismissed because I didn’t join in a second defendant (and didn’t have time to



follow up). There are attorneys with average success rates as well. Even attorneys don't always get judgments in their favor. I can also demonstrate with exhibits before a judge, if needed, that my cases aren't frivolous, just an issue with technical errors.

I haven't filed any duplicate lawsuits. I have a good faith basis and merits for each and every lawsuit I have filed, and I can demonstrate that to a judge, if needed. My cases haven't been a burden on the court. On one count, I would think a judge would be flattered by the opportunity to correct and demonstrate law to a law school drop out with an interest in law. My cases have also set a precedent for other cases, to the advantage of judges and society. Some of my cases have been cited in legal news as cases of interests<sup>8</sup>. Government Defendants haven't had any burden of costs because their attorney fees are paid by the taxes I pay. If the judges had such an issue with my cases, I would think they would not dismiss them "without prejudice". They also could have barred me from filing *sua sponte*, but have chosen not to. That says a lot.

If your client is interested in minimizing his attorney fees and preventing further litigation, he is welcome to send me an offer of settlement in this case.

Sincerely,

*Melinda Scott*

Melinda Scott

---

<sup>8</sup> <https://casetext.com/analysis/rhetorical-hyperbole-is-not-defamation-3>.  
<https://blog.ericgoldman.org/archives/2018/12/two-pro-se-section-230-rulings-scott-v-carlson-watkins-vcarr.htm>



## Re: Filing on Pacer

From: mscottw <mscottw@masonlive.gmu.edu>

To: MatthewDHardin <MatthewDHardin@protonmail.com>

Date: Saturday, December 19th, 2020 at 2:10 PM

There were 5 emails and 3 exhibits. I saw headers. They're your exhibits, you are going to be familiar with them more than a third party viewer. The format was odd. An oversight on my part.

I do now acknowledge that I see all of them.

This is not a work day for me so otherwise I will respond via the courthouse with a reply on Monday.

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
mscottw@gmu.edu  
540-692-2342

**From:** Matthew D. Hardin <MatthewDHardin@protonmail.com>

**Sent:** Saturday, December 19, 2020 1:56 PM

**To:** mscottw <mscottw@masonlive.gmu.edu>; matthewdhardin@gmail.com <matthewdhardin@gmail.com>

**Subject:** Re: Filing on Pacer

That email is included at Exhibit A-3. Before you accuse me of leaving things out of my filings, it would behoove you to read them.

Matt Hardin

On Sat, Dec 19, 2020 at 12:22 PM, mscottw <mscottw@masonlive.gmu.edu> wrote:

Mr. Hardin, Esq.,

It came to my attention that you filed *only a portion* of our correspondence yesterday. Why did you omit the email I sent you at 2:36 pm that starts with "Thank you for a thorough...."?



Omitting a portion of our correspondence and then filing for a Protective Order is unethical. Do you plan to submit the ENTIRE story here, which is ALL of the emails? You would need to upload my email from 2:36 pm as well.

Sincerely,

Melinda Scott  
PO BOX 1133-2014PMB87  
Richmond, VA 23218  
mscottw@gmu.edu  
540-692-2342



Date: Dec 11, 2020 at 12:58 PM

From: mscottw <mscottw@masonlive.gmu.edu>

To: Matthew D. Hardin <MatthewDHardin@protonmail.com> , Matt Hardin <matthewdhardin@gmail.com>

Subject: BAR/2:20cv14

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Mr. Hardin,

I became aware today through your filed reply to my Motion to Strike that you may be under the impression that I intend(ed) to report you to the VA BAR association.

This email is to notify you that I have **NO\*** intention of doing so and never had any intention to do so. As of today, I've seen no reason to take that course of action toward you. I haven't seen any unethical business conduct on your part as of this date.

I thought to tell you this directly out of courtesy.

\*I left out "no" in the email I just sent/word sentence was awkward, now I corrected it

Thank you,

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